

November 7, 2011 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, November 7, 2011 at 6:00 P.M.

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

LEGISLATIVE AGENDA

Town's legislative concerns to be addressed at the 2011-2012 session of the General Assembly – with the Town's General Assembly delegation.

On motion of Vice President Long, duly seconded, it was voted unanimously to begin the legislative discussion.

Also, present were Town Administrator Shawn Brown, Assistant Town Solicitor Turner Scott, Senator Louis P. DiPalma and Representative Daniel Reilly.

Town Administrator Shawn Brown explained that the Council has annually prepared a legislative agenda for the Town. Mr. Brown reviewed the agenda layout and noted that a resolution will be prepared to formalize the Town's requests.

Senator Louis P. DiPalma addressed the Council explaining that some of the requested legislation already exists. The legislative session is expected to reconvene in January 2012.

Discussion centered around the following proposed legislative agenda items, entered here:

Representative Deborah Ruggiero jointed the meeting at 6:32 pm.

Library Director Theresa Coish addressed the Council and Legislators reviewing the memorandum, entered here:

School Committee Vice Chair Theresa Spengler addressed the Council and Legislators reviewing the School Department legislative requests, entered here:

All legislative agenda items were discussed.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess this meeting at 6:55 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene this meeting at 7:05 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess this meeting at 7:06 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene this meeting at 7:07 pm.

PUBLIC FORUM SESSION

1. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

AWARDS & PROCLAMATIONS

Item #3 was addressed at this time.

2. Presentation by Senator Louis P. DiPalma, Senate District 12, re: Senate Citation to Town Administrator.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said citation and conduct presentation.

Town Administrator Shawn Brown was presented a Citation from the State Senate, presented by Senator Louis P. DiPalma in recognition of his achievement for receiving the RIPEC Award.

Item #2 was addressed at this time.

3. Presentation by Representative Deborah Ruggiero, House District 74, re: House Citation to Town Administrator.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said citation and conduct presentation.

Town Administrator Shawn Brown was presented a Citation from the House of Representatives, presented by Representative Deborah Ruggiero in recognition of his achievement for receiving the RIPEC Award.

Item #27 was addressed at this time.

PRESENTATION

- 4. Memorandum of Town Administrator, re: Business Plan for Second Beach Pavilion – Presentation by RKG.**

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and conduct presentation.

Darren Mochrie, Vice President and Principal of RKG Associates, presented a power point presentation reviewing the study of the Business Plan for the Sachuest Town Beach Event Center. The report is on file in the Office of the Town Clerk.

Discussion centered around the need to repair the current Sachuest Beach facility, alternatives to a Beach Event Center, funding for beach facility upgrades, regulations and requirements of CRMC, FEMA and Town zoning ordinances which effect the upgrade of facility.

5. Memorandum of Town Administrator, with enclosure, re: Final

Stormwater Alternatives Evaluation Work – Robert Rafferty, representing Woodard and Curran.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and conduct presentation.

Public Works Director Tom O'Loughlin explained that Federal Law requires the Town to develop a plan in regard to stormwater. The Town has improved and reduced sanitary sewer volumes and reduced the number of beach closures, since 2006.

Town Administrator Shawn Brown explained that the projects for handling storm and waste water are cost effective solutions for taxpayers.

Robert Rafferty, representing Woodard & Curran, addressed the Council reviewing the Final Stormwater Alternatives Evaluation Work Report, which is on file in the Office of the Town Clerk.

6. Memorandum of Town Administrator, with enclosure, re: Final Sanitary Sewer Overflow Alternatives Report - Robert Rafferty, representing Woodard and Curran.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and conduct presentation.

Robert Rafferty, representing Woodard & Curran, addressed the Council reviewing the Final Sanitary Sewer Overflow Alternatives

Report, which is on file in the Office of the Town Clerk.

ACTING AS A BOARD OF LICENSE COMMISSION

7. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2011-2012 licensing year. (See attached list)

Public Hearing was declared open.

There being no other person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

CONSENT

- 8. Approval of Minutes, re: Regular Meeting, October 17, 2011.**

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

- 9. Approval of Minutes, re: Special Meeting, October 19, 2011.**

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

- 10. Resolution of the Council, re: Proclamation – Sergeant Michael F. Paranzino – Proclaiming November 5th as Michael F. Paranzino Day**

in the Town.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

11. Resolutions from Rhode Island Cities and Towns, re: Requesting support for proposed Statewide Pension Reform, Repealing of Tax on Tours, Opposing Increased Tolls for the Newport Pell Bridge and Pass the Retirement Security Act of 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolutions.

12. Communication of Town Clerk, Town of Portsmouth, with enclosure, re: Requesting the Town to support the Town of Richmond to oppose the proposed implementation of paid tolls on Interstate Route 95.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

13. Communication of David Charette, PWS, LEED AP, Senior Associate, Langan Engineering and Environmental Service, re: Draft United States Coast Guard Environmental Assessment Dredging to Support D1/CGC JUNIPER: Recapitalization Buoy Tender Waterfront NAVSTA Newport, Newport, Rhode Island.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

14. Communication of Steven W. Pristawa, P.E., Secretary, State Traffic Commission, re: Approval of proposed three lane configuration to be implemented through the Two Mile Corner Reconstruction project.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

15. Communication of Sandra K. Knight, PhD, PE, Deputy Associate Administrator for Mitigation, FEMA, with enclosure, re: Results of the National Flood Insurance Program (NFIP) Community Rating System (CRS) field verification findings.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

16. At the request of Vice President Long, Resolution of the Council, re: In the Aftermath of Tropical Storm Irene.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

17. Memorandum of Town Administrator, re: Former JFK Elementary School Building.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

18. Memorandum of Town Administrator, with enclosure, re: Quarterly Tax Collector's Report @ 9/30/2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and Tax Collector's report.

19. Memorandum of Town Administrator, with enclosures, re: Quarterly Financial Report @ 9/30/2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and financial report.

20. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, for the 2011-2012 licensing year. (See attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

21. Applications received from the following named persons, firms or corporations for RENEWAL of Mechanical Amusement Device Licenses, for the 2011-2012 licensing year. (See attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

PUBLIC HEARINGS

22. Memorandum of Town Administrator, re: Proposed Zoning Ordinance Amendments – Watershed Protection District, Section 1102.

Town Planner Ronald Wolanski reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice President Long, duly seconded, it was voted unanimously to refer Article 11 Watershed Protection District, Section 1102 to the Planning Board.

23. (Public Hearing (Advertised))

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, changing text, Article 6 – Application of District Regulations, Section 603-District Dimensional regulations, Section 605 Maximum Building Footprint, Article 11 Watershed Protection District, Section 1102 Areas within Zone 1 and Article 13 Off-Street Parking and Loading, Section 1304 Minimum and Maximum Off-Street Parking. (Planning Board recommendation attached)

Public Hearing was declared open on the remaining sections - Article 6 – Application of District Regulations, Section 603-District Dimensional regulations, Section 605 Maximum Building Footprint, Article 13 Off-Street Parking and Loading and Section 1304 Minimum and Maximum Off-Street Parking.

Town Planner Ronald Wolanski reviewed the following:

Public hearing remains open.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said ordinance on its first reading and continue said Public Hearing to the next Regular Meeting of the Council, November 21, 2011.

OTHER COMMUNICATIONS

24. Memorandum of Rian Wilkinson, Beach Commission Chairman, with enclosures, re: Proposal – Third Beach Boat Ramp/Floating Docks.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Rian Wilkinson, Beach Commission Chairman, reviewed the Third Beach Boat Ramp/Floating Docks proposal from the Beach Commission, entered here:

Mr. Wilkinson noted that the proposal would be a project for the future.

25. Memorandum of Town Administrator, with enclosure, re: Status of Agreement to Fund Third Beach Boat Ramp.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice President Long, duly seconded, it was voted unanimously to remove the authority for the Town Administrator to execute the agreement with RIDEM for federal funds to be used to replace the Third Beach Boat Ramp.

26. Request of David S. Wolfenden, on behalf of Newport Navy Choristers, re: Requesting support by placing an ad in the Christmas in Newport Program Advertising Book.

On motion of Vice President Long, duly seconded, it was voted unanimously to support the Newport Navy Choristers by placing a full page ad, (\$100.00) in the Christmas in Newport Program, to be appropriated from the Council President's Discretionary Fund.

COMMUNICATIONS OF TOWN COUNCIL

The following item #27 was acted on after item #3.

27. Memorandum of Councillor Cambra, re: Middletown Committee for the Arts.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Cambra explained that the Art Festival was a success and presented the Community Weave to the Council, which will be displayed in the Town Hall.

Council President Weber accepted the Community Weave and charged the Town Administrator to locate an area to display.

28. Memorandum of Vice President Long, with enclosure, re: Independent Wind Turbine Study and Extension of Moratorium.

Vice President Long reviewed the memorandum, entered here:

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

Richard Adams, 240 Island Drive, Member of Calvary Methodist Church, addressed the Council expressing concern that his church is unable to apply for grants to install a wind turbine, due to the moratorium. Mr. Adams suggests the Council refer the Wind Turbine issue to the Planning Board to review with guidance from the Council.

Donna Olszewski, 36 Education Lane, Portsmouth, addressed the Council explaining that she would recommend that the Town conduct a study of the effects and impacts (giving pro's and con's) of wind turbines on residents and land values before allowing construction of wind turbines.

Nick Pasyanos, 2 Toni Lynn Terrace, noted his support for an independent study on wind turbines. Mr. Pasyanos explained that the study should be relevant to Middletown.

Carol Cummings, Indian Avenue, presented the Council with a handout, which addressed wind turbines in Denmark. Council President Weber read the following sections, into the record, entered here:

Ms. Cummings noted her support for a wind turbine independent study.

Peter Tarpgaard, 5 Longmeadow Avenue, Member of the Wind Turbine Feasibility Committee, addressed the Council urging them not to approve the privately funded wind turbine study. Mr. Tarpgaard noted concern that the study would be redundant and if conducted, the study should be funded by the Town.

Councillor Viveiros noted that the process to conduct a wind turbine study would be the same, if funded by the Town or by private funds.

Richard Price, 9 J.H.Dwyer Drive, addressed the Council urging them to extend the moratorium and approve a wind turbine study to be funded by private donations.

Councillor Cambra noted that the Town may not want wind turbines. Mr. Cambra explained until it is clear what the resident's desire; another study should not be conducted.

Councillor VonVillas noted that studies are useful, if unbiased and proposed by an unbiased source. Ms. VonVillas explained that she will not support another wind turbine study.

Councillor Semonelli explained that he is not against wind and supports a wind turbine study and extension of the moratorium.

Councillor Viveiros noted the need for more information concerning wind turbines and support of a wind turbine study.

Council President Weber expressed the need to extend the moratorium for six months and have a workshop for resident input.

On motion of Councillor Semonelli, duly seconded, it was voted to extend the wind turbine moratorium for six months; Councillor VonVillas voted NO to said motion.

Assistant Town Solicitor Turner Scott questioned the time frame for which the moratorium is extended. Mr. Scott, for clarification, noted that the six months would begin on December 7, 2011, when the moratorium expires.

The Council noted agreement that the six month moratorium begins when the current moratorium expires.

Councillor VonVillas noted that extension of the moratorium is a disservice to the community, explaining that the moratorium also prevents residential size wind turbines.

Councillor VonVillas made a motion to exempt small wind turbines from the moratorium; the motion was not seconded; however, Ms. VonVillas withdrew her motion.

It was the consensus of the Council that a discussion concerning small wind turbines will be addressed at its next regular meeting to be held on November 21, 2011.

COMMUNICATIONS TOWN ADMINISTRATOR

29. Memorandum of Town Administrator, with enclosures, re: Contract Award: Surveying & Engineering Services, Vernon Avenue, Fenner Avenue & Livingston Place Sanitary Sewer Project.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Town Engineer Warren Hall noted that the system is old, failing and not easily accessible.

Vice President Long left the meeting.

30. Resolution of the Council, re: Contract Award: Surveying & Engineering Services, Vernon Avenue, Fenner Avenue & Livingston Place Sanitary Sewer Project.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to pass said resolution.

31. Memorandum of Town Administrator, with enclosure, re: RIEMA Pre-Disaster Hazard Mitigation Planning Grant Award.

Town Administrator Shawn Brown noted that the grant application requires the Town to match the funding with in-kind services, which will performed by Town staff.

Town Planner Ronald Wolanski reviewed the memorandum entered here:

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

Vice President Long returned to the meeting.

32. Resolution of the Council, re: Request to accept and execute RIEMA grant agreements.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

33. Memorandum of Town Administrator, with enclosures, re: Surplus Vehicles & Equipment.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

34. Resolution of the Council, re: Surplus Vehicles & Equipment.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

35. Memorandum of Town Administrator, with enclosures, re: State Retirement System – Comprehensive Pension Reform.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Mr. Brown reviewed a handout indicating Employer Contributions to Pension Plans (ARC) for FY2002 – FY2013 entered here:

Discussion centered around current retirees within the pension plan, the need for sustainability of the pension plan and Council support for pension reform.

36. At the request of President Weber and Councillor Silveira, Resolution of the Council, re: State Retirement System – Comprehensive Pension Reform.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

37. Memorandum of Town Administrator, with enclosures, re: FY2011 Budget Adjustments as of June 30, 2011.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

38. Resolution of the Council, re: FY2011 Budget Adjustments as of June 30, 2011– General Fund.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

39. Resolution of the Council, re: FY2011 Budget Adjustments as of June 30, 2011 – Parks and Recreation Fund.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 9:43 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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